

BACKGROUND:

A General Plan Amendment (GPA) is proposed to change the site's Land Use District from Multiple-Residential 3,000 sq. ft. of lot area per unit (3m-RM) to Single Residential (RS) (Exhibit "A"). Concurrently, Tentative Tract 16411 is proposed to create a twelve (12) lot single family residential subdivision. The proposed lots all meet the RS minimum lot standards of 7,200 sq. ft., with the two smallest lots being 7,313 sq. ft. (Lots 10 & 11; Exhibit "D"). The site lies in the First Supervisorial District in an area north of Helendale (Exhibit "B") on a 2.5 acre parcel at the terminus of Autumn Lane. The proposed project is located within the Silver Lakes Resort Community (Exhibit "C") and is subject to the rules and regulations of that homeowner's association.

The site is relatively flat, with less than a 2% slope falling to a central low point surrounding the proposed extension of Autumn Lane then drainage occurs via the street gutters to the existing local storm drain system (Exhibit "D"). The site is currently a vacant, in-fill lot that is fully disturbed by previous grading and periodic fire hazard abatement activities, and therefore, is devoid of any significant flora or fauna (see: Photo Exhibits). Silver Lake, a man-made body of water, abuts the western edge of the site with four (4) of the lots (Lots # 1-4; Exhibit "D" & Photos Exhibits), proposed as lakefront properties. An existing Real Estate Office is adjacent to the site's southern property line (Elite Realty; Photo Exhibits). Additional vacant parcels zoned for light retail and office commercial lie beyond. In 1984, a thirty-four (34) unit condominium tract (Tract 10886) was approved for the site, but was never built and the approval expired. (Exhibit "E").

ANALYSIS:

The project proposes a logical and orderly extension of the planned land uses and developments that are established within the surrounding area. The areas across the street are all developed with single family residential structures with similar lot sizes as those proposed with this project. The properties to the north were all previously developed with single family residential structures ranging in size between 1,800 to 2,500 sq. ft. All of these structures to the north and east are within the RS (Single Residential) land use designation. An approval of this proposal, along with the proposed re-zoning of the immediately adjacent lot to the north would extend the existing RS Official Land Use District to this proposed tract.

The project does not conflict with the County General Plan with respect to the loss of multi-family residential lands as there are sufficient vacant multiple residential lots that remain empty and are available for future development of multi-family housing. Government Code Section 65863 requires a finding be made when there is "down zoning" that "the remaining sites identified in the housing element are adequate to accommodate the jurisdiction's share of the regional housing need pursuant to Section 65584". The inventory of remaining sites is adequate to accommodate the County's share of the regional housing need, as set forth in Government Code Section 65863, hence this finding can be made in the affirmative. In addition, a large condominium development exists directly across the lake from this site that currently has a number of vacant units, (Photo Exhibits). The project lies within the Silver Lakes Resort Community and the Silver Lakes Homeowners Association maintains the lake and all of the surrounding common areas and amenities within the Silver Lakes Community. The Association has written two letters in support of this project (Exhibit "G & H"). In their March 11, 2003, letter (Exhibit "H"), the Association stated, "...that currently, 199 condominium units exist within the Silver Lakes Association and there are 17 vacant high-density lots (remaining)...". The Association's official position is that there are more than enough multi-family residential lots remaining within the community to support the future needs for these types of developments.

An Initial Study has been completed that indicates that the proposed project will not have any impacts that will remain potentially significant, after implementation of appropriate mitigation measures and Conditions of Approval (Exhibit "I"). A Mitigated Negative Declaration is recommended as the appropriate environmental action in compliance with the California Environmental Quality Act (CEQA).

The proposed project has been reviewed by the Development Review Committee (DRC) and received a recommendation for approval subject to some minor revisions. These revisions have been completed and are incorporated in the plan being presented to the Planning Commission (Exhibit "D"). There were no letters received expressing opposition to this proposal during the review and comment period. Therefore, the Planning staff recommends approval of the proposed project.

FINDINGS – General Plan Amendment (GPA):

- 1) The proposed land use district change is in the public interest, because the community of Silver Lakes has a need for additional single-family residential structures since the demand for primary housing has dramatically increased during the past decade. In addition, the Silver Lakes Homeowners Association, supports the proposed single-family residential lots and the land use designation change from Multiple Residential (3M) RM to Single Residential (RS).
- 2) The proposed land use district change is consistent with the goals and policies of the County General Plan, including the Housing Element, and will provide a reasonable and logical extension of the existing land use pattern in the surrounding area. There are similar residential structures already existing to the immediate north and east of the proposed site. Development of this site, as proposed, will be viewed as a normal extension to these previous developments. The remaining sites identified in the housing element are adequate to accommodate the County's share of the regional housing need pursuant to Government Code Section 65584.
- 3) The proposed land use district change does not conflict with the provisions of the County's Development Code, or any applicable Specific or Community Plan. The proposed project has, and will continue to adhere to the Architectural Guidelines of the Silver Lakes Association's Environmental Control Committee. In addition, the residential structures will meet or exceed the minimum standards for residential development as established within the Board-approved County Administrative Design Guidelines.
- 4) The proposed land use district change will not have a substantial adverse effect on surrounding property. A large percentage of the surrounding areas have existing single-family residential structures that are similar to those proposed for construction with the approval of this project.

FINDINGS – Tentative Tract:

- 1) The proposed subdivision, together with the provisions for its design and improvements, is consistent with the General Plan and any applicable specific plan. The proposed tract map is in substantial conformance to both the County Development Code, and the County General Plan. The proposed residences will be designed to conform to the County Administrative Design Guidelines as well as to the Silver Lakes Association's Environmental Control Committee's Architectural Guidelines for detached, single-family residential development.

- 2) The site is physically suitable for the type and proposed density of development. The minimum size for residential lots within the RS District is 7,200 sq. ft., and all lots in the proposed tract are in excess of this minimum size.
- 3) An Initial Study reflecting the County's independent judgement and analysis was completed for the project and a Mitigated Negative Declaration is recommended as the appropriate environmental action in compliance with the California Environmental Quality Act (CEQA). The site has been previously disturbed and the designs of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially or avoidably injure fish or wildlife or their habitat. This is considered a small "in-fill project" and will not add substantial adverse impacts to the existing roadway or other infrastructure systems.
- 4) The design of the subdivision and the types of improvements are not likely to cause serious public health problems. The Public Health Department's Environmental Health Division received a project referral. No significant adverse impact potentials relating to public health were identified with this proposal, and this Department issued conditions of approval for the project.
- 5) The design of the subdivision and the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision. Both the existing public utility easement and the easement providing public "horizontal access" to the lake edge ("beach") will remain intact with the implementation of this proposal (Exhibit "D" - Tentative Tract Map 16411; Easement "B"; also refer to Exhibits/Photos Section).
- 6) The design of the subdivision does provide, to the extent feasible, passive or natural heating and cooling opportunities, though no such systems are specifically proposed at this time.
- 7) The proposed subdivision, its design, density and type of development and improvements conform to the regulations of the Development Code and the regulations of any public agency having jurisdiction by law, because all affected agencies have been notified of the proposed development and have provided proposed conditions of approval that have been incorporated into the project. (Exhibit "F" – Preliminary Conditions of Approval). Adherence to these Conditions of Approval will assure that the proposed project will be in substantial conformance to the Development Code and General Plan.
- 8) The proposed subdivision is not within an Agriculture Preserve.

RECOMMENDATION: That the Planning Commission RECOMMEND to the County Board of Supervisors to consider and act on the following:

- A) **ADOPT** a Mitigated Negative Declaration;
- B) **ADOPT** General Plan Land Use District Amendment DN148-27N/2003, from Multiple Residential 3,000 sq. ft. of land per unit (3M-RM) to Single Residential (RS);
- C) **APPROVE** Tentative Tract Map 16411, to create twelve (12) lots on 2.5 acres, subject to Conditions of Approval;
- D) **ADOPT** the Findings and,
- E) **FILE** a Notice of Determination.